

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

3:12cv706

[Consolidating 3:12cv706 and 3:13cv29]

**THE CINCINNATI
INSURANCE COMPANY**

Plaintiff,

Vs.

NVR, INC.,

Defendant.

ORDER

THIS MATTER is before the court on the court's own Motion to Consolidate this and other matters, which appear upon initial review by the judges of this court to involve a common nucleus of operative facts and issues of law.¹ Resolution of this motion is governed by Rule 42(a), Federal Rules of Civil Procedure, which provides:

(a) Consolidation.

If actions before the court involve a common question of law or fact, the court may:

- (1) join for hearing or trial any or all matters at issue in the actions;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary cost or delay.

Fed.R.Civ.P. 42(a). This court will consolidate actions Cincinnati Ins. Co. v. NVR, INC., 3:12cv706, and NVR, INC. v. Cincinnati Ins. Co., 3:13cv29, as they fall well within the bounds of Rule 42(a). Both actions revolve around whether the Cincinnati Insurance Company is obligated by an insurance policy to indemnify NVR, INC. for legal costs it incurred during a dispute over a construction project. 3:13cv29 is an action for damages against Cincinnati for its

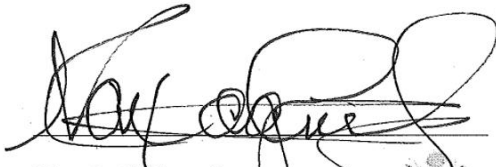
¹ Initially, 3:13cv29 was assigned to Honorable Frank D. Whitney, United States District Judge. Judge Whitney has joined in the court's Motion for Consolidation and concurs in the reassignment of the action.

alleged failure to indemnify NVR while 3:12cv29 is a removed state action in which Cincinnati seeks a declaratory judgment that it is under no obligation to indemnify NVR.

ORDER

IT IS, THEREFORE, ORDERED that the court's own Motion to Consolidate is **GRANTED**, and 3:12cv706 and 3:13cv29 are consolidated for all future proceedings. Pleadings shall be filed in 3:12cv706.

Signed: January 25, 2013



Max O. Cogburn Jr.
United States District Judge